

ATTORNEY DOCKET NO. 11470BA (NORT10-00350)
U.S. SERIAL NO. 09/577,292
PATENT

REMARKS

Claims 1-12, 14-43 and 45-63 are pending in the application.

Claims 1-10, 14-41 and 45-63 have been rejected.

Claims 11, 12, 42 and 42 have been objected to.

No claims have been amended.

I. INFORMATION DISCLOSURE STATEMENT

The Office Action objects to the IDS filed on October 27, 2003 as failing to include legible copies of each reference. However, under 37 C.F.R. § 1.98(d), Applicant is not required to furnish copies of the references cited in the IDS filed on October 27, 2003, as each of these references was previously cited by or submitted to the Office in prior application Serial No. 09/370,984, which is relied on by this application for an earlier effective filing date under 35 U.S.C. § 120. Therefore, Applicant respectfully requests the Examiner to consider all of the references cited in the October 27, 2003 IDS and provide an initialed copy of the Form 1449 to Applicant with the next communication.

II. AMENDMENT TO THE SPECIFICATION

Applicant has amended the Specification to correctly note the priority claim of the parent application Serial No. 09/370,984 to a provisional application Serial No. 60/137,877.

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III. ALLOWABLE SUBJECT MATTER

The Applicant thanks the Examiner for the indication that Claims 11-12 and 42-43 would be allowable if rewritten in independent form. Because the Applicant believes that Claims 11-12 and 42-43 depend from allowable base claims, the Applicant is not rewriting Claims 11-12 and 42-43 in independent form, at this time.

IV. REJECTION UNDER 35 U.S.C. § 103

Claims 1-10, 14-17, 19-41, 45-46 and 48-63 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,515,964 to Cheung et al. ("Cheung") in view of U.S. Patent No. 6,487,170 to Chen et al. ("Chen"). In addition, Claims 18 and 47 were rejected under 35 U.S.C. § 103 as being unpatentable over *Cheung* and *Chen* in view of U.S. Patent No. 6,356,545 to Vargo et al. ("Vargo"). These rejections are respectfully traversed.

A. Common Ownership

The present application has a filing date of May 23, 2000. *Chen* was issued on November 26, 2002. Thus, *Chen* qualifies as prior art only under 35 U.S.C. § 102(e). Section 103(c) provides:

Subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

Title 35, United States Code, § 103(c). See also, MPEP § 2146.

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The present application is owned by Nortel Networks Limited by virtue of assignments from inventors Wing Lo and Moses Sun, a copy of which is attached. The cited reference, US 6,487,170 to *Chen*, is also owned by Nortel Networks Limited.

Applicant respectfully submits that the present application and the cited reference were, at the time the invention was made, owned by, or subject to an obligation of assignment to, the same person. As a result, under 35 U.S.C. § 103(c), *Chen* is disqualified as prior art under 35 U.S.C. § 103(a).

B. Rejection of Claims 1-10, 14-41 and 45-63

As all claims were rejected based on the combination of at least *Cheung* and *Chen*, and since *Chen* does not qualify as prior art, the Office Action fails to establish a *prima facie* case of obviousness against Claims 1-10, 14-41 and 45-63. Accordingly, the Applicant respectfully requests withdrawal of the § 103 rejections and full allowance of Claims 1-10, 14-41 and 45-63.

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V. CONCLUSION

As a result of the foregoing, Applicant has complied with all requirements of the previous Office Action, and the Applicant asserts that the remaining Claims in the Application are in condition for allowance, and respectfully requests an early allowance of such Claims.

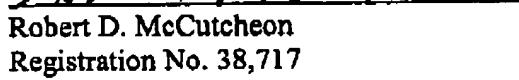
If any issues arise, or if the Examiner has any suggestions for expediting allowance of this Application, the Applicant respectfully invites the Examiner to contact the undersigned at the telephone number indicated below or at rmccutcheon@davismunck.com.

The Commissioner is hereby authorized to charge any additional fees connected with this communication or credit any overpayment to Davis Munck Deposit Account No. 50-0208.

Respectfully submitted,

DAVIS MUNCK, P.C.

Date: 5/28/2004



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FILE NO. 11470BAUS01U (NORT10-00350)
U.S.

PATENT APPLICATION
ASSIGNMENT

FOR VALUABLE CONSIDERATION, the receipt of which is hereby acknowledged, I (we) the undersigned, whose full post office address(es) is(are) listed below my (our) name(s), do hereby sell, assign and transfer to:

NORTEL NETWORKS LIMITED

(hereinafter "Nortel"), its successors, assigns and legal representatives, whose full post office address is:

2351 Boulevard Alfred-Nobel
St. Laurent, Quebec
Canada, H4S 2A9

all their right, title, and interest worldwide in and to the invention relating to

"CALL ADMISSION CONTROL"

filed in the United States Patent and Trademark Office on May 23, 2000 and given U.S. Serial No. 09/577,292, as well as all rights and privileges including priority rights arising from the aforesaid application and corresponding applications in other countries, all continuations, continuations-in-part, divisions, renewals, substitutes or reissues thereof, and all the rights and privileges under any and all letters patent that may be granted for said invention.

I (We) undertake without charges to Nortel but at its request and expense to execute all documents, take all oaths and do all reasonable acts to enable Nortel, its successors assigns and legal representatives to procure and maintain patent or any other intellectual property protection for said invention in any and all countries and to vest title thereto to Nortel, its successors assigns and legal representatives.

THE UNDERSIGNED hereby authorizes the firm of Davis Munck, P.C. whose full office address is P.O. Drawer 800889, Dallas, Texas 75380 to correct clerical errors in this Assignment or to insert any further identification or other information necessary or desirable to make this Assignment suitable for recordal in a domestic or foreign Patent Office.

FILE NO. 11470BAUS01U (NORT10-00350)
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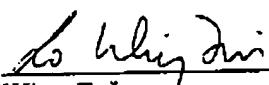
PATENT APPLICATION
ASSIGNMENT

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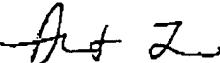

Witness Signature

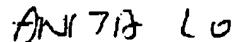
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3/29/2004

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PATENT APPLICATION
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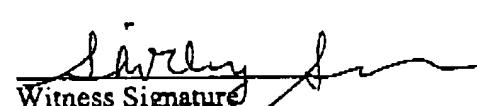
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